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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

MIKE GLEASON - Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE


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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUL 25 2008

DOCKETED BY 

IN THE MATTER OF THE APPLICATION OF  
THE UNION PACIFIC RAILROAD COMPANY  
TO ALTER A CROSSING OF THE UNION  
PACIFIC RAILROAD AT PRINCE ROAD.

DOCKET NO. RR-03639A-08-0053

PROCEDURAL ORDER

**BY THE COMMISSION:**

On January 28, 2008, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Railroad to alter a crossing of the Railroad in Pima County ("County"), Arizona by adding a second set of mainline tracks. The crossing is in the City of Tucson ("City") at Prince Road, AAR/DOT No. 741 105J ("Application").

On March 12, 2008, at a related procedural conference on the Railroad's double track project, the Railroad agreed to request a procedural conference be scheduled for future scheduling on its Application as related cases were heard and Decisions issued by the Commission.

On June 9, 2008, the Railroad filed a request that a procedural conference be set to discuss scheduling issues in this docket.

On June 25, 2008, by Procedural Order, a procedural conference was scheduled to discuss possible hearing and filing dates on July 17, 2008.

On July 17, 2008, at the procedural conference, the Railroad and the Railroad Safety Section of the Commission's Safety Division ("Staff") appeared with counsel to discuss prospective hearing and filing dates.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

1 IT IS THEREFORE ORDERED that the request of the Union Pacific Railroad Company shall  
2 be considered an Application to construct a second set of mainline tracks at three existing crossings  
3 pursuant to A.R.S. § 40-337, et seq.

4 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall be considered as  
5 the Applicant in this proceeding.

6 IT IS FURTHER ORDERED that the **hearing** on the Application shall be held on **October**  
7 **29, 2008, at 9:30 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West  
8 Washington Street, Hearing Room 1, Phoenix, Arizona.

9 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural  
10 Order, **THE UNION PACIFIC RAILROAD COMPANY SHALL PROVIDE THE CITY OF**  
11 **TUCSON ("CITY"), PIMA COUNTY ("COUNTY"), THE ARIZONA DEPARTMENT OF**  
12 **TRANSPORTATION ("ADOT") AND ANY OTHER MUNICIPALITY OR INTERESTED**  
13 **PARTY** that may be affected by the Application with a copy of the Application and this Procedural  
14 Order by **certified U.S. mail.**

15 IT IS FURTHER ORDERED that Safety Division, Railroad Safety Section shall prepare a  
16 written **Staff Report and associated exhibits** to be presented at hearing and file copies of them with  
17 Docket Control on or before 4:00 p.m. on **October 14, 2008.**

18 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**  
19 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **October**  
20 **24, 2008.**

21 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
22 105, except that all motions to intervene must be filed on or before **September 29, 2008.**

23 IT IS FURTHER ORDERED that **Union Pacific Railroad Company shall provide public**  
24 **notice of the hearing** in this matter, in the following form and style:

25 ...

26 ...

27 ...

28 ...

**IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC  
RAILROAD COMPANY TO ADD A SECOND SET OF MAINLINE TRACKS  
AT AN EXISTING CROSSING IN THE CITY OF TUCSON IN PIMA COUNTY,  
ARIZONA AT PRINCE ROAD, AAR/DOT 741 105J.  
(DOCKET NO. RR-03639A-08-0053)**

On January 28, 2008, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an Application for the Railroad to add a second set of mainline tracks at an existing crossing in the City of Tucson in Pima County, Arizona at Prince Road, AAR/DOT 741 105J.

The Application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter commencing on **October 29, 2008, at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to Applicant or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of Railroad, a neighboring property owner, a crossing user, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before September 29, 2008. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any concerned individual from appearing at the hearing and making a statement on such individual's own behalf.

If you have any questions about this application, you may contact the applicant at **[insert telephone number]**. If you wish to file written comments on the application or want further information on intervention, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall cause the above  
2 notice to be published at least once in a daily newspaper of general circulation in the area and at least  
3 three times in a weekly publication in the city/county where the crossing is located, with **publication**  
4 **to be completed no later than August 29, 2008.**

5 IT IS FURTHER ORDERED that notice shall be deemed complete upon the  
6 mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive  
7 the notice.

8 IT IS FURTHER ORDERED that the **UNION PACIFIC RAILROAD COMPANY**  
9 **SHALL FILE CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET**  
10 **CONTROL AS SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein  
11 has been completed.

12 IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules of  
13 the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*  
14 *hac vice*.

15 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,  
16 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
17 ruling at hearing.

18 DATED this 25<sup>TH</sup> day of July, 2008

19  
20  
21   
22 MARC E. STERN  
23 ADMINISTRATIVE LAW JUDGE  
24

25 Copies of the foregoing mailed/delivered  
26 this 25<sup>th</sup> day of July, 2008 to:

27 Aziz Aman, Manager of Special Projects  
28 UNION PACIFIC RAILROAD COMPANY  
1301 East Harrison Street  
Phoenix, AZ 85034-2336

1 Anthony J. Hancock  
Terrance L. Sims  
2 BEAUGUREAU, HANCOCK STOLL & SCHWARTZ, P.C.  
302 E. Coronado  
3 Phoenix, AZ 85004  
Attorneys for Union Pacific Railroad  
4

5 Andrew C. Dinauer  
Engineering Administrator, Engineering Division  
6 Department of Transportation  
CITY OF TUCSON  
7 201 North Stone Avenue, Third Floor  
Tucson, AZ 85701-1207  
8

9 Albert Letzkus, P.E. PTOE  
Division Manager, Traffic Engineering  
PIMA COUNTY  
10 1313 South Mission Road  
Tucson, AZ 85713-1398  
11

12 Bruce Vana, P.E., Engineer-Manager  
Utility & Railroad Engineering Section  
ARIZONA DEPARTMENT OF TRANSPORTATION  
13 205 South 17<sup>th</sup> Avenue, M/D 618E  
Phoenix, Arizona 85007  
14

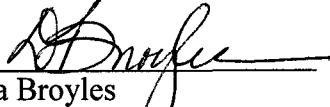
15 Traffic Records Section  
ARIZONA DEPARTMENT OF TRANSPORTATION  
16 206 South 17<sup>th</sup> Avenue, M/D 064R  
Phoenix, AZ 85007  
17

18 Brian Lehman, Chief  
Railroad Safety Section of the Safety Division  
ARIZONA CORPORATION COMMISSION  
19 1200 West Washington Street  
Phoenix, AZ 85007  
20

21 Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
22 1200 West Washington Street  
Phoenix, AZ 85007  
23

24 ARIZONA REPORTING SERVICE, INC.  
2200 North Central Street, Suite 502  
25 Phoenix, AZ 85004-1481  
26

27 By:

  
Debra Broyles  
28 Secretary to Marc Stern